

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 10488 Permit 6036 License 2973

**ORDER CORRECTING PURPOSE OF USE
AND AMENDING THE LICENSE**

WHEREAS:

1. License 2973 was issued to United States-Stanislaus National Forest and was filed with the County Recorder of Mariposa County on April 14, 1948.
2. On July 25, 1960, ownership of the license was transferred to Yosemite National Park.
3. On March 24, 1994, licensee agreed to retain License 2973 as a standby emergency source and to properly maintain the diversion system and facilities.
4. The State Water Resources Control Board (SWRCB) has determined that the above correction will not initiate a new right nor operate to the injury of any other lawful use of water and that good and sufficient cause has been shown for said correction.
5. The license provision pertaining to the continuing authority of the SWRCB should be updated to conform to the current version as contained in Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. License 2973 shall be amended as follows:

This license is reserved solely for standby emergency domestic and fire protection use and will remain active only upon proper maintenance of standby diversion system and facilities.

2. The continuing authority condition in License 2973 be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water

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diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.(0000012)

Dated: FEBRUARY 16 1995

Roger Anton
for Edward C. Anton, Chief
Division of Water Rights

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

LICENSE **2973**

PERMIT **6036**

APPLICATION **10488**

THIS IS TO CERTIFY, That **United States-Stanislaus National Forest**
Sonoma, California

Notice of Assignment (Over)

has made proof as of **August 9, 1945**

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the waters of
Crane Creek in Mariposa County

tributary to **Merced River**

for the purpose of **domestic use and fire protection**

under Permit **6036**

of the Department of Public Works and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from **July 3, 1942;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed **three thousand (3000) gallons**
per day for domestic purposes or six thousand five hundred (6500) gallons per day
total for domestic and fire protection purposes from January 1 to December 31 of
each year; provided, however, that nothing herein contained shall be construed as
confirming in licensee any right, which shall be good as against a subsequent appro-
priator, to an amount for fire protection purposes in excess of what is reasonably
necessary to maintain an adequate reserve in storage for fire protection except when
there exists an actual need thereof for fire fighting use.

The point of diversion of such water is located **South seventy degrees East (S 70° E),**
eight hundred ten (810) feet from the Northwest corner of Section 16, T 3 S,
R 20 E, M.D.B. & M., being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 16.

A description of the lands or the place where such water is put to beneficial use is as follows: **Twelve lots**
in the El Portal Tract, Stanislaus National Forest, located within the NW $\frac{1}{4}$ of
NW $\frac{1}{4}$ of Section 16 and the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17 of T 3 S, R 20 E, M.D.B. & M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the State Engineer.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion
herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.


Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

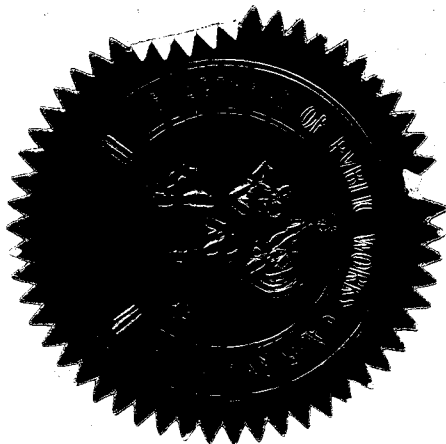
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public
Works of the State of California, this 13th
day of April, 19 48

EDWARD HYATT, State Engineer


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7/20/60 RECEIVED NOTICE OF ASSIGNMENT TO U.S. Yosemite
National Park

LICENSE 2973

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO U.S. Stanislaus National
Forest
DATED April 13, 1948.

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